

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Gilbertson *et al.*

Serial No.: 10/821,711

Filed: April 8, 2004

For: DNA CONSTRUCTS AND METHODS TO  
ENHANCE THE PRODUCTION OF  
COMMERCIALY VIABLE TRANSGENIC  
PLANTS

Group Art Unit: 1638

Examiner: Kruse, David H.

Atty. Dkt. No.: MONS:140US

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

January 14, 2009

Date

/Ron J. Laby/

Ron J. Laby

**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED OCTOBER 14, 2008**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Official Action dated October 14, 2008, for which the date for response is January 14, 2009. A Supplemental Information Disclosure Statement, fees, and accompanying reference is being filed concurrently. No additional fees are believed due in connection with the filing of this paper. However, should any such fees become due under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the Response, the Commissioner is authorized to deduct said fees from *Sonnenschein Nath & Rosenthal L.L.P.* Account No. 19-3140/MONS:140US.

Reconsideration is respectfully requested.